



APPLICATION ACCEPTED: June 14, 2012
PLANNING COMMISSION: April 25, 2013
APPLICATION AMENDED: May 22, 2013
BOARD OF SUPERVISORS: June 18, 2013

County of Fairfax, Virginia

June 3, 2013

STAFF REPORT ADDENDUM

APPLICATION SE 2012-PR-012

PROVIDENCE DISTRICT

APPLICANT: TD Bank, National Association

ZONING: C-5, H-C

PARCEL(S): 50-3 ((5)) (5)-501

ACREAGE: 0.63 acres

SPECIAL EXCEPTION CATEGORY: Category 5: Drive-In Financial Institution

PLAN MAP: Community-Serving Retail

PROPOSAL: To replace existing 2,040 sf service station with a 2,552 sf bank branch building w/two drive-thru lanes.

Staff recommends that SE 2012-PR-012 be approved subject to the development conditions contained in Attachment 2 of this Addendum.

Staff recommends that the following waivers and modifications be approved:

- Waiver of the loading space requirement for the drive-in financial institution use.
- Deviation from the Tree Preservation Target per 122-2-3(b) of the County Code in favor of landscaping shown on the SE plat.
- Modification of the major trail requirement in favor of 5-foot concrete sidewalks

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It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendation of staff; it does not reflect the position of the Board of Supervisors.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application. For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

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Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

DESCRIPTION OF REVISIONS:

The applicant, TD Bank, National Association, has requested a Special Exception to allow construction of a drive-in financial institution in a C-5/H-C zoning. Parcel no. 50-3 ((5)) (5)-501 is 0.63 acres and located on Arlington Boulevard, at its intersection with Graham Road. The Staff Report, recommending approval of the application, was published on April 10, 2013, and included the six-page SE Plat, identified as "Special Exception Plat for TD Bank" and dated March 22, 2012, as revised through April 02, 2013.

Since the publication of the staff report, the applicant has revised the building elevations on Sheet 6 of the SE Plat to more accurately reflect the grade difference between the drive-thru lanes and main building. Sheet 3 of the SE Plat, being the main site plan for the proposal, has also been updated to reflect minor revisions to the dimensions of the drive-thru canopy, in order to accommodate the architectural revisions. The SE Plat has been updated to reflect a May 22, 2013 revision date and the proposed development conditions have been revised to reference that revision date. No other revisions have been made to the SE plat or conditions.

Summary of Revisions:

- Sheet 6 of SE Plat features updated building elevations.
- Sheet 3 of SE Plat features revised drive-thru canopy dimensions.
- New revision date of May 22, 2013 for SE Plat;
- Development condition No. 2 revised to reflect current SE Plat revision date;
- Date of development conditions revised to June 3, 2013.

CONCLUSIONS AND RECOMMENDATIONS

Staff requested these revisions to the SE Plat purely to reflect the most accurate and up-to-date information on the plat, and consider the revisions purely informational in nature and not having any real impact on the functionality of the site or other considerations of the proposal. Staff continues to recommend approval of the Special Exception request, subject to the proposed development conditions.

Staff recommends that SE 2012-PR-012 be approved subject to the development conditions contained in Attachment 2 of this Addendum.

Staff recommends that the following waivers and modifications be approved:

- Waiver of the loading space requirement for the drive-in financial institution use.
- Deviation from the Tree Preservation Target per 122-2-3(b) of the County Code in favor of landscaping shown on the SE plat.
- Modification of the major trail requirement in favor of 5-foot concrete sidewalks

It should be noted that it is not the intent of Staff to recommend that the Board, in adopting any conditions proffered by the owner, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. It should be further noted that the content of this report reflects the analysis and recommendation of Staff; it does not reflect the position of the Board of Supervisors.

The approval of this rezoning does not interfere with, abrogate or annul any easement, covenants, or other agreements between parties, as they may apply to the property subject to this application. For information, contact the Zoning Evaluation Division, Department of Planning and Zoning, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035-5505, (703) 324-1290.

ATTACHMENTS

1. Revised SE Plat (Six pages)
2. Revised Development Conditions (dated June 3, 2013)

PROPOSED DEVELOPMENT CONDITIONS**SE 2012-PR-012****June 3, 2013**

If it is the intent of the Board of Supervisors to approve SE 2012-PR-012, located at 7230 Arlington Boulevard, Tax Map 50-3((5))(5)-501, for a drive-in financial institution, pursuant to Sect. 4-504 of the Fairfax County Zoning Ordinance, the staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

GENERAL:

1. This Special Exception Amendment is granted for and runs with the land indicated in this application and is not transferable to other land.
2. This Special Exception Amendment is granted only for the purpose(s), structure(s) and/or use(s) indicated on the special exception plat approved with the application, as qualified by these development conditions.
3. This Special Exception Amendment is subject to the provision of Article 17, Site Plans as may be determined by the Department of Public Works and Environmental Services (DPWES). Any plan submitted pursuant to this Special Exception shall be in substantial conformance with the approved Special Exception Plat entitled "Special Exception Plat for TD" prepared by Bohler Engineering, which is dated March 22, 2012 and revised through May 22, 2013 and these conditions. Minor modifications to the approved Special Exception may be permitted pursuant to Par. 4 of Sect. 9-004 of the Zoning Ordinance.
4. A copy of this Special Exception and the Non-Residential Use Permit shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.

OPERATIONAL:

5. Hours of operation of the bank shall not exceed 8:00 a.m. to 8:00 p.m. Monday through Friday, 8:00 a.m. to 3:00 p.m. on Saturdays, and 12:00 a.m. to 4:00 p.m. on Sundays.
6. There shall be a maximum of seven employees on-site at any one time.

ENVIRONMENTAL:

7. Prior to site plan approval, the applicant must perform a Phase I EPA assessment on the site and remediate any revealed contamination to the satisfaction of the Virginia Department of Environmental Quality (DEQ).

ARCHITECTURAL:

8. Architectural elevations and building materials shall be in substantial conformance with those shown on the SE Plat.
9. All retaining walls shall incorporate split-face Concrete Masonry Unit (CMU) materials similar to the building façade.

LANDSCAPING:

10. Landscaping and sidewalk treatments shall be provided as generally shown on the Special Exception Plat, subject to review and approval of the Urban Forestry Management Division of the Department of Public Works and Environmental Services (DPWES).

TRANSPORTATION:

11. Prior to issuance of a Non-RUP, a 23-foot wide interparcel access easement shall be recorded, as depicted on the SE plat, to provide future access to the parcel to the east.
12. Prior to issuance of a Non-RUP, the applicant shall grant an easement to provide public access to the sidewalk along Graham Road. Such easement shall be subject to a private maintenance agreement in a form acceptable to the County Attorney.
13. Two drive-thru lanes shall be open to provide adequate vehicle stacking at all times.
14. The location and orientation of the retaining walls and sidewalk at the northwest corner of the site, from the Graham Road access north, shall be subject to FCDOT and VDOT review and approval at site plan.
15. Final layout of bicycle rack location and orientation shall be subject to FCDOT approval at site plan.

STORMWATER:

16. Stormwater management/BMP facilities shall be determined by DPWES to meet all PFM requirements prior to final site plan approval, regardless of any waiver requests.

SIGNAGE/LIGHTING:

17. All signage shall comply with the provisions of Article 12 of the Zoning Ordinance.
18. No freestanding commercial signs, other than the 20' pylon sign depicted on the SE plat, shall be permitted. Bank logos or other advertising shall not be placed on any directional signage.
19. All lighting, including streetlights, security lighting, signage lighting (during the allowed hours as listed within these conditions) and pedestrian or other incidental lighting, shall be in conformance with Part 9 of Article 14 of the Zoning Ordinance.

GREEN BUILDING:

20. A. The Applicant shall include, as part of the site plan submission and building plan submission for the building, a list of specific credits within the most current version of the U. S. Green Building Council's Leadership in Energy and Environmental Design — New Construction (LEED[®]-NC) rating system, or other LEED rating system determined to be applicable to the financial institution by the U. S. Green Building Council (USGBC), that the Applicant anticipates attaining. At least one principal participant of the Applicant's project team shall be a Licensed Architect, Licensed Landscape Architect, or Professional Engineer, and a LEED Accredited Professional, and such professional shall provide certification statements at both the time of site plan review and the time of building plan review confirming that the items on the list are expected to meet at least the minimum number of credits necessary to attain LEED certification for the financial institution.

B. Prior to approval of the site plan, the applicant will post a "green building escrow," in the form of cash or a letter of credit from a financial institute acceptable to DPWES as defined in the Public Facilities Manual, in the amount of \$70,000. This escrow will be in addition to and separate from other bond requirements and will be released upon demonstration of attainment of certification, by the U.S. Green Building Council, under the most current version of the LEED[®]-NC rating system or other LEED rating system determined, by the U.S. Green Building Council, to be applicable to the building. The provision to the Environment and Development Review Branch of DPZ, within two years of issuance of the RUP/non-RUP for the building, of documentation from the U.S. Green Building Council that the building has attained LEED certification will be sufficient to satisfy this commitment.

C. If the applicant provides to the Environment and Development Review Branch of DPZ, within two years of issuance of the RUP/non-RUP for the building, documentation demonstrating that LEED certification for the building has not been attained but that the building has been determined by the U.S. Green Building Council to fall within three points of attainment of LEED certification, 50% of the escrow will be released to the applicant; the other 50% will be released to Fairfax County and will be posted to a fund within the County budget supporting implementation of County environmental initiatives.

D. If the applicant fails to provide, within two years of issuance of the RUP/non-RUP for the building, documentation to the Environment and Development Review Branch of DPZ demonstrating attainment of LEED certification or demonstrating that the building has fallen short of certification by three points or less, the entirety of the escrow for that building will be released to Fairfax County and will be posted to a fund within the county budget supporting implementation of county environmental initiatives.

The above proposed conditions are staff recommendations and do not reflect the position of the Board of Supervisors unless and until adopted by that Board.

This approval, contingent on the above noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations, or adopted standards. The applicant shall be himself responsible for obtaining the required Non-Residential Use Permit through established procedures, and this Special Exception shall not be valid until this has been accomplished.

Pursuant to Section 9-015 of the Zoning Ordinance, this special exception shall automatically expire, without notice, thirty (30) months after the date of approval unless, at a minimum, the use has been established or construction has commenced and been diligently prosecuted as evidenced by the issuance of a Non-Residential Use Permit for the use. The Board of Supervisors may grant additional time to establish the use or to commence construction if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special exception. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.